

**PATENT****REMARKS**

The Examiner has rejected claims 64-76 under the judicially created doctrine of obviousness double patenting. Applicants have filed concurrently a terminal disclaimer to overcome the obviousness double patenting rejection.

Furthermore, Examiner has rejected claims 64-70 under section 102(e) as being unpatentable over Chen (US 6304581), and rejected claims 71-76 under section 103(a) as being unpatentable over Chen.

Chen, the single cited art used by Examiner to reject the claims under section 102(e) and 103(a), has the priority date of Feb. 16, 1999, as being the provisional filing date of Chen. Applicants have filed concurrently signed affidavits with supporting documents dated Dec. 23, 1998, including description, diagram and QUALCOMM Inc. internal Invention Disclosure, to show that the inventors had completed the claimed invention in this country at least before Feb. 16, 1999. As such, Chen is disqualified as being a reference for the purpose of sections 102(e) and 103(a). Therefore, claims 64-76 are allowable over Chen.

## PATENT

## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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